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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/263,812	03/08/1999	WILLIAM G. MILLER	1-1	2262

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EXAMINER

ENG, GEORGE

ART UNIT

PAPER NUMBER

2643

DATE MAILED: 03/21/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/263,812

Applicant(s)

MILLER ET AL.

Examiner

George Eng

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 January 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. This Office action is in response to the amendment filed 1/11/2002 (paper no. 10).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1, 2, 4, 7-8 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yuter (US PAT. 4,074,793 hereinafter Yuter'793) in view of Yuter (US PAT. 4,800,438 hereinafter Yuter'438) and Flohr (US PAT. 5,374,952).

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Regarding claim 1, Yuter'793 discloses a restaurant dinning system (10) as shown in figure 1 comprising a first plurality of tables (40 and 44) in at least a first restaurant location (18) and a second plurality of tables (40 and 44) in at least a second restaurant location (12), at least one table in each of the first and second locations equipped with at least one telephone connected via a network providing communication between tables (col. 3 lines 10-13). Yuter'793 differs from the claimed invention in not specifically teaching each table equipped with at least one viewing screen for providing multi-media access and a plurality of seating areas such that said at least one viewing screen is visible from the plurality of seating area and the table sized to accommodated serving a meal to a plurality of individuals in the seating area. However, Yuter'438 teaches an improved restaurant telephone console mounted upwards on a pipe above a table comprising a color television display (26) for providing multi-media access and can be rotated around toward different persons seated around the table (figure 1, col. 4 line 33 through col. 5 line 11 and col. 8 line 24 through col.10 line 38). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Yuter'793 in using the improved restaurant telephone console as taught by Yuter'438 instead of telephone, because it improves the restaurant dinning system so that it provides multi-media access and occupies a minimum amount of a table surface. Note while neither Yuter'793 nor Yuter'438 specifically teaches to provide video conferencing between tables in different geographic locations. However, Flohr teaches a video conferencing network for computer workstations that operate on a local area network to perform video conferencing in different geographic locations (col. 4 line 64 through col. 5 line 48 and col. 13 lines 10-50). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the

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combination of Yuter'793 and Yuter'438 in modify the combination of Yuter'793 and Yuter'438 in having a capability of providing video conferencing between terminals in different geographically locations, as per teaching of Flohr, because it upgrades the restaurant dining system so that it enables terminals to participate flexibly in multimedia exchanges with media terminals on a network in order to conduct videoconferences even though the selected terminals are local on different networks.

Regarding claim 2, Flohr teaches to provide a videoconferencing capability among a plurality of terminals even though the terminals are located on different network (col. 5 lines 15-30). Thus, one of said terminals would have been obvious locating in a different time zone from the others depending upon the size of the network.

Regarding claim 4, Flohr teaches each terminal having access to one or both or cable TV and satellite TV (col. 5 lines 41-44 and col. 6 lines 10-18).

Regarding claims 7-8, Flohr teaches each location having terminals with video conferencing capability and each location including at least one room (figure 8 and col. 13 lines 10-33).

Regarding claim 16, Yuter'793 teaches a plurality of individuals presenting at each table and interacting at each table for one of social and business pleasure in a public setting (col. 2 line 60 through col. 3 line 8).

4. Claims 3, 5-6 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yuter (US PAT. 4,074,793 hereinafter Yuter'793) in view of Yuter (US PAT. 4,800,438

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hereinafter Yuter'438) and Flohr (US PAT. 5,374,952) as applied in claim 1 above, and further in view of Kikinis (US PAT. 5,929,849).

Regarding claim 3, the combination of Yuter'793, Yuter'438 and Flohr differs from the claimed invention in not specifically teaching that each booth having Internet access. However, it is old and well known in the art of computer terminals having high speed Internet access, for example see Kikinis (col. 1 lines 29-36). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combination of Yuter'793, Yuter'438 and Flohr in having Internet access, as per teaching of Kikinis, in order to improve the system for providing Internet access.

Regarding claim 5, the combination of Yuter'793, Yuter'438 and Flohr differs from the claimed invention in not specifically teaching that each booth having access to a computer server of computer games. However, Kikinis teaches such (col. 1 line 66 through col. 2 line 5). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combination of Yuter'793, Yuter'438 and Flohr in having access to the central server of computer games, as per teaching of Kikinis, in order to enhancing the system for providing entertainment.

Regarding claim 6, Flohr teaches the terminal capable of accessing cable TV, satellite TV, productivity tools, resource and programs (col. 5 line 41 through col. 6 line 66).

Regarding claim 18, the limitations of the claim are rejection as the reasons set forth in claims 3 and 5-6.

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5. Claims 9-15 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yuter (US PAT. 4,074,793 hereinafter Yuter'793) in view of Flohr (US PAT. 5,374,952).

Regarding claim 9, Yuter'793 discloses a method of operating a restaurant dining system (10) as shown in figure 1 comprising the steps of providing a telephone in each of a plurality of tables (i.e., 40 or 44) in each of in a particular location (i.e., 12 or 18) and conducting communications between users (col. 3 lines 10-13). Yuter'793 differs from the claimed invention in not specifically teaching to provide video conferencing between tables in different geographic locations. However, Flohr teaches a video conferencing network for computer workstations that operate on a local area network to perform video conferencing in different geographic locations (col. 4 line 64 through col. 5 line 48 and col. 13 lines 10-50). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Yuter'793 in having a capability of providing video conferencing between terminals in different geographically locations, as per teaching of Flohr, because it upgrades the restaurant dining system so that it enables terminals to participate flexibly in multimedia exchanges with media terminals on a network in order to conduct videoconferences even though the selected terminals are local on different networks or different geographical locations.

Regarding claims 10-11, Flohr teaches to provide a videoconferencing capability among a plurality of terminals even though the terminals are located on different network (col. 5 lines 15-30). Thus, one of said terminals would have been obvious locating in a different time zone or in different countries from the others depending upon the size of the network.

Regarding claim 12, Flohr teaches to provide cable TV, satellite TV, and broadcast TV viewing (col. 5 line 41 through col. 6 line 66).

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Regarding claim 13-14, Flohr teaches each location having terminals with video conferencing capability and each location including at least one room (figure 8 and col. 13 lines 10-33).

Regarding claim 15, Yuter'793 teaches a plurality of individuals presenting at each table and interacting at each table for one of social and business pleasure in a public setting (col. 2 line 60 through col. 3 line 8).

Regarding claim 20, the examiner takes an official notice that it is well known in the art of some countries being separated by an ocean.

6. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yuter (US PAT. 4,074,793 hereinafter Yuter'793) in view of Flohr (US PAT. 5,374,952) as applied in claim 9 above, and further in view of Yuter (US PAT. 4,800,438 hereinafter Yuter'438).

Regarding claim 17, the combination of Yuter'793 and Flohr differs from the claimed invention in not specifically teaching each table comprising a plurality of seating area so that viewing screen is visible from the plurality of seating areas and the table sized to accommodate serving a meal to a plurality of individuals in the seating area. However, Yuter'438 teaches an improved construction of a terminal mounted upwards on a pipe above a table comprising a color television display (26), which the terminal can be rotated around toward different persons seated around the table (col. 4 line 33 through col. 5 line 11 and col. 8 line 24 through col. 10 line 38). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combination Yuter'793 and Flohr in constructing the terminal as taught by Yuter'438, because it improves the restaurant dining system so that it provides a

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display capable of facing different seating areas at the table and occupies a minimum amount of a table surface.

7. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yuter (US PAT. 4,074,793 hereinafter Yuter'793) in view of Flohr (US PAT. 5,374,952) as applied in claim 9 above, and further in view of Kikinis (US PAT. 5,929,849).

Regarding claim 19, Flohr teaches the terminal capable of accessing cable TV, satellite TV, productivity tools, resource and programs (col. 5 line 41 through col. 6 line 66). The combination of Yuter'793 and Flohr differs from the claimed invention in not specifically teaching that each booth having Internet access and an inventory of computer games. However, it is old and well known in the art of computer terminals having high speed Internet access, for example see Kikinis (col. 1 lines 29-36). In addition, Kikinis teaches computer terminals having an inventory of computer games (col. 1 line 66 through col. 2 line 5). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combination of Yuter's 793 and Flohr in having Internet access and the inventory of computer games, as per teaching of Kikinis, in order to enhancing the system for providing entertainment and Internet access.

Response to Arguments

8. Applicant's arguments filed 1/11/2002 (paper no. 9) have been fully considered but they are not persuasive.

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In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988), and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, both Yuter I discloses an restaurant environment having a plurality of tables, i.e., booths, wherein each one of the plurality of tables or booths includes a telephone for conducting live voice communication. Yuter II teaches an upgraded restaurant telephone console to provide multi-media access for each booth, i.e., TV or music entertainment, and Flohr teaches to provide TV information, as well as videoconferencing, among a plurality of terminals which are connected not only on a common LAN network but also on different networks. Thus, it would have been obvious to combined Yuter I with Yuter II and Flohr in order to upgrade the restaurant dinning system by enabling terminals to participate flexibly in multimedia exchanges with media terminals on a common network or different networks.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., require a large viewing screen that can be easily and simultaneously seen by all seated at the booth) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to applicant's argument that none of the prior art suggests the booths being placed in different countries or countries separated by an ocean. However, it appears that any telephone or videophone can place a long distance call, as well as oversea call, in depending of intended use by a user. Thus, it would have been obvious to conduct communication between restaurants be in different countries such that the restaurants are in different time zones.

In response to applicant's argument that there is no suggestion to combine Yuter, Flohr and Kikinis. However, it appears that the use of Kikinis merely for teaches computer terminal is capable of providing computer games. Note while the combination of Yuter and Flohr discloses to upgrade the computer terminals in a restaurant dinning system in order to provide multi-media access. Thus, Yuter, Flohr and Kikinis are combinable and the motivation is to enhance the restaurant dinning system in providing additional entertainment and Internet access.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any response to this final action should be mailed to:

Commissioner of Patents and Trademarks

Washington D.C. 20231

Or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, V.A., Sixth Floor (Receptionist).

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Eng whose telephone number is 703-308-9555. The examiner can normally be reached on Tuesday to Friday from 7:30 AM to 6:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis A. Kuntz, can be reached on (703) 305-4870. The fax phone number for the organization where this application or proceeding is assigned is 703-308-6306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

George Eng

Examiner

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CURTIS KUNTZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600